

REMARKS

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

Claims 1-6, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujimori et al (U.S. 6,674,109) in view of Halliyal et al. (U.S. 6,674,138). Applicants note with appreciation that during a telephone interview on May 5, 2006 discussing the patentability of the pending claims, the Examiner agreed that the rejections set forth in the March 3, 2006 Office Action were not valid and that the prior art of record does not teach the claimed invention. Specifically, the Examiner admitted that the combination of Fujimori and Halliyal was unfeasible because the insulating layer of Halliyal, which has an ONO structure, cannot be substituted for the insulation barrier of Fujimori, which does not have an ONO structure.

Furthermore, the Examiner noted that the invention of Fujimori requires that the insulation barrier layer include an element, such as tantalum, which is a constitution element of the ferroelectric film, a limitation that Halliyal fails to disclose. Again, this leads to the conclusion that the combination of Fujimori and Halliyal is improper, with which the Examiner agreed. Accordingly, as the combination of the above cited prior art references is improper, the Examiner stated during the interview that the § 103(a) rejections set forth in the above cited Office Action will be withdrawn upon submission of a proper response to the Office Action, which is submitted herein.

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

Application No.: 10/616,917

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Nathaniel D. McQueen, Registration No. 53,308
For: Michael E. Fogarty, Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/NDM:kap
Facsimile: 202.756.8087
Date: June 5, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**